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SUPREME COURT OF THE UNITED STATES.

No. ~~87~~. 35.

THE UNITED STATES, APPELLANTS,

VERSUS

JUAN PERCHEMAN.

APPEAL FROM THE SUPERIOR COURT FOR THE EASTERN DISTRICT OF FLORIDA.

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Before the honorable Joseph L. Smith, Judge of the superior court for the eastern district of Florida, and specially authorized by law to receive and adjudicate claims and titles to land in the district of East Florida.

Be it remembered, that, on the seventeenth day of September, in the year of our Lord one thousand eight hundred and thirty, Juan Percheman, by Benjamin A. Putnam, his attorney, brought and filed in the clerk's office of the superior court for the eastern district of Florida his petition or claim to certain land therein mentioned; which said petition or claim is in the words and figures following, to wit:

Superior court, district of East Florida, October term, 1830.

JUAN PERCHEMAN
vs.
THE UNITED STATES. } *Claim for* 2,000 *acres.*

To the honorable Joseph L. Smith, Judge of the superior court for the district of East Florida, and specially authorized by an act of the Congress of the United States to receive and adjudicate claims to land within said district.

Your petitioner respectfully showeth unto your honor, that he claims title to a tract of land containing two thousand acres, within the district of East Florida, and within the jurisdiction of this honorable court, situated at a place called the Ocklawaha, along the margin of the river Saint John.

Your petitioner further showeth, that he derives title to said tract of land under a grant, marked Exhibit A, made to him on the twelfth day of December, 1815, by Governor Estrada, then Spanish Governor of East Florida, and whilst said East Florida belonged to Spain.

And your petitioner further showeth, that his claim to said tract of land so claimed by him was submitted to the examination of the board of commissioners appointed under and in virtue of an act of the Congress of the United States of America, entitled "An act for ascertaining claims and titles to lands in the Territory of Florida, and to provide for the survey and disposal of the public lands in Florida," passed the third day of March, 1823.

And your petitioner further showeth, that the land so claimed by him, and situated, as aforesaid, within the Territory of Florida, and within the jurisdiction of this honorable court, as aforesaid, is embraced by the treaty between Spain and the United States of the 22d February, 1819; that his claim to said land has not been finally settled under the provisions of the act of the Congress of the United States, entitled "An act supplementary to the several acts providing for the settlement and confirmation of private land claims in Florida," passed the 23d day of May, 1828, or of any of the acts to which the said last recited act is supplementary; and that the claim of your petitioner to the said land has not been reported by the said commissioners appointed under any of the said acts of Congress, or any other, or by the register and receiver acting as such, under the several acts of the Congress of the United States in such case made and provided, as antedated or forged, and that the said claim hath not been annulled by the aforesaid treaty between Spain and the United States, nor by the decree ratifying the same.

Wherefore, your petitioner prays that the validity of his claim to said land may be inquired into, and decided upon by this honorable court, and that, in pursuance of an act of Congress for that purpose, in that case made and provided, the United States be made a party defendant to this petition, and that process in this behalf do forthwith issue against Thomas Douglass, Esquire, the attorney for the United States in the eastern district of Florida, according to the provisions of the said act of Congress above alluded to; and your petitioner, as in duty bound, will ever pray.

B. A. PUTNAM,
Att'y for petitioner.

A copy of the foregoing petition, with a citation thereto annexed, was delivered to the marshal of the district, to serve on the attorney of the

United States for this district; and the return of the said marshal is in the words and figures following, to wit: Executed the 22d September, 1830, by serving copy on Thomas Douglass, Esquire, United States' attorney.

WATERS SMITH, *Marshal.*

And afterwards, to wit, on the second day of October, in the year of our Lord one thousand eight hundred and thirty, Thomas Douglass, Esquire, United States' attorney for the district of East Florida, brought and filed in the clerk's office aforesaid his answer to the said petition; which said answer is in the words and figures following, to wit:

District of East Florida, superior court.

THE UNITED STATES *ats.* JUAN PERCHEMAN. } *Claim for* 2,000 *acres of land.*

The answer of Thomas Douglass, United States' attorney for the district of East Florida, to the petition or bill of complaint of Juan Percheman.

The said attorney, in the name and for and on behalf of the same United States, saving and reserving to them now, and at all times hereafter, all and all manner of benefit of exception to the manifold errors, defects, and irregularities in the said petition or bill of complaint contained, for answer thereunto, or unto so much thereof as it is material or necessary for them to answer unto, answereth and saith, that the said Juan Percheman, on the twenty-eighth day of November, in the year of our Lord one thousand eight hundred and twenty-three, sold, transferred, and conveyed to one Francis P. Sanchez all his right, title, and interest, (if any he then had,) in and to said tract of land, as will more fully appear by reference to a duly certified copy of his said transfer or conveyance, which is hereunto annexed, and made a part of this answer, as exhibit A, in this cause, and that the said Juan Percheman has not, nor had he at the time of filing the said petition or bill of complaint, any right, title, or interest, in or to the said tract of land, or any part thereof; and this respondent admits that the claim of said Francis P. Sanchez to the said tract of land was duly presented to the register and receiver of the district aforesaid, while the said register and receiver were acting as a board of commissioners to ascertain claims and titles to land in East Florida aforesaid, and avers that said claim was finally acted upon and rejected by the said register and receiver, while lawfully acting as aforesaid, as will more fully appear by reference to a copy of their report thereon, which is hereunto annexed, and made a part of this answer, as exhibit B, in this cause. And this respondent further saith, that the said tract of land contains a less quantity of land than three thousand five hundred acres, to wit, the quantity of two thousand acres only, as appears by the showing of the petitioner himself; and that for the reasons above stated, this court has no jurisdiction in this case, nor can any court exercise jurisdiction over this claim against the said United States. And this respondent further saith, that he is a stranger to all and singular the other matters and things in the said petition or bill of complaint contained, and leaves the same to such proofs as the petitioner can make thereof, (if this court shall take a concise jurisdiction in this case,) but submits, that if the said Governor Estrada did make the said grant or concession at the time and

in the manner alleged in the said petition or bill of complaint, he made it contrary to the laws, ordinances, and royal regulations of the Government of Spain, which were then in force in East Florida, on the subject of granting lands, and without any power or authority to do so, and that the said grant was and is therefore null and void; and that the right and title to said tract of land, consequently, is vested in the said United States, as will more fully appear by reference to the laws, ordinances, and royal regulations aforesaid; all of which this respondent prays leave to introduce and read, on the hearing of this cause; and therefore this respondent prays that this court will take care of the right and interest of the said United States in the premises.

And now, having fully answered all the matters and things in the said petition or bill of complaint contained, this respondent prays that the said United States may be hereof discharged, and that their reasonable costs and charges by them in and about the defence of this suit paid, laid out, and expended, may be adjudged and decreed to them.

THOMAS DOUGLASS,
United States' attorney, &c. &c.

EXHIBIT B.

Francis P. Sanchez, claimant, 2,000 *acres of land.*

This is a certificate of Thomas de Aguilar, that, in December, 1815, Estrada granted Don Juan Percheman, cornet of squadron of dragoons, for services, 2,000 acres of land, at a place called Ockliwaha, on the St. John's river. In 1819, Percheman sold to Sanchez. In the memorial of the claimant to this board, he speaks of a survey made by authority in 1819. If this had been produced it would have furnished some support to the certificate of Aguilar. As it is, we reject the claim.

This exhibit is taken from page 63 of the last report of the register and receiver, No. 71.

And afterwards, to wit, on the second day of October, in the year of our Lord one thousand eight hundred and thirty, the said Juan Percheman, by his attorney, brought and filed in the clerk's office aforesaid his replication, which is in the words and figures following, to wit:

Superior court, October term, 1830.

JUAN PERCHEMAN *vs.* THE UNITED STATES. } *Replication.*

The replication of John Percheman, complainant, to the answer of the United States, defendant, by Thomas Douglass, Esquire, their attorney.

This replicant, saving and reserving to himself all and all manner of advantage of exception which may be had and taken to the manifold errors, uncertainties, and insufficiencies of the answer of the said defendants, for replication thereunto, saith, that he doth and will aver, maintain, and prove his said bill to be true, certain, and sufficient in the law, to be answered thereunto by the said defendant, and that the answer is very uncertain, evasive, and insufficient in the law, to be replied unto by the said replicant, without that that any other matter or thing in the said answer contained, material or ef-

fectual in the law to be replied unto, confessed or avoided, traversed or denied, is true, and which matters and things this replicant is ready to aver, maintain, and prove, as this honorable court shall direct, and humbly prays as in and by his said bill he hath already prayed.

B. A. PUTNAM,
Sol. for complainant.

2d October, 1830.

And afterwards, to wit, on the fourteenth day of December, in the year of one thousand eight hundred and thirty, the said claimant, by his said attorney, brought and filed in the clerk's office aforesaid an amendment to his foregoing petition; which said amendment is in the words and figures following, to wit:

Superior court, eastern district of Florida.

JUAN PERCHEMAN
vs.
THE UNITED STATES.

Amendment made and filed to the original petition, heretofore filed by the attorney for the claimant, with consent of the attorney for the United States.

And this petitioner further showeth, that the register and receiver of the United States for East Florida, in their final report on the land claims, before them made and transmitted, on the 12th December, 1828, to the Secretary of the Treasury, reported the claim of this petitioner as rejected, on the ground that the said claim depended on a certificate only of Don Thomas Aguilar, notary of the Spanish Government, in East Florida; and this petitioner avers that such is not the case, for that the claim of this petitioner depends on an original grant on file in the office of the public archives of East Florida, a certified copy of which is filed with the petition filed in this court, dated 8th December, 1815, and marked exhibit O, as well as the certificate of said Thomas Aguilar, marked exhibit P.

And your petitioner further showeth, that the said register and receiver further reported (see report of register and receiver, 1828, page 63) that this petitioner sold and transferred his claim to Francis P. Sanchez in 1819, and your petitioner avers that this is not so, for that this petitioner made a conditional sale of said claim to said Sanchez in 1823, exhibit T.

And this petitioner further showeth, that the said register and receiver further reported that the survey made by authority of the Spanish Government, in 18 9, of the said tract of land, was not produced to them, the said register and receiver, in the examination of this petitioner's claim; and this petitioner avers this to be a false and fraudulent representation, for that the said survey was filed with this petitioner's claim, and was before the said register and receiver at and before the time they examined this petitioner's claim, and reported on the same, as will appear clearly and fully by the certificate of Don Antonio Alvarez, keeper of the office of the archives, herewith filed, and marked exhibit R.

B. A. PUTNAM,
Att'y for petitioner.

The attorney of the United States, in answer to the foregoing amendment, says, that he is a stranger to all the matters and things therein contained, &c.

THOS. DOUGLASS,
Att'y for the United States, &c.

The following are copies of the documents offered in evidence by the attorney for the said petitioner, and which are referred to in the foregoing petition and amendment, to wit:

A.

Translation.

His Excellency the Governor:

Don Juan Percheman, ensign of the corps of dragoons of America, and stationed in this place, with due veneration and respect appears before your excellency, and says, that, in virtue of the bounty in lands, which, pursuant to his royal order of the 29th of March, of the present year, the King grants to the military which were of this place in the time of the invasion which took place in the years 1812 and '13, and your petitioner considering himself as being comprehended in the said sovereign resolution, as it is proved by the annexed certificates of his lordship Brigadier Don Sebastian Kindelan, and by that which your lordship thought proper to provide herewith, which certificates express the merits and services rendered by your petitioner at the time of the siege, in consequence of which said bounties were granted to those who deserved them, and which said certificates your petitioner solicits from your goodness may be returned to him, for any other purposes which may be useful to your petitioner: therefore, he most respectfully supplicates your lordship to grant him two thousand acres of land, in the place called Ockliwaha, situated on the margins of St. John's river, which favor he doubts not to receive from your good heart and paternal dispositions. St. Augustine, of Florida, 8th December, 1815.

JUAN PERCHEMAN.

St. Augustine, of Florida, 12th December, 1815. Whereas this officer, the party interested, by the two certificates enclosed, and which will be returned to him for the purposes which may be convenient to him, has proved the services which he rendered in the defence of this province, and in consideration also of what is provided in the royal order of the 29th March last past, which he cites, I do grant him the two thousand acres of land which he solicits, in absolute property, in the indicated place; to which effect let a certified copy of this petition and decree be issued to him from the secretary's office, in order that it may be to him in all events an equivalent of a title in form.

ESTRADA.

P.

Translation.

PETITION.—His Excellency the Governor: Don Juan Percheman, sergeant of the squadron of dragoons of America, stationed in this place, with due veneration and respect appears before your excellency, and says, that in virtue of the royal bounties in lands, granted by his majesty, by his royal

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order of the twenty-ninth of March, of the present year, to the military individuals who were in this place aforesaid in the time of the invasion thereof, in the year one thousand eight hundred and twelve and thirteen, and your petitioner considering himself as included in the said royal resolution, as he proves it by the annexed certificates, exhibited with due solemnity, one of them from the Brigadier Don Sebastian Kindelan, and the other with which your excellency thought proper to provide him, which certificates express the merits and services which he acquired and rendered in the time and epochs of the siege, in consequence of which the meritorious were thus rewarded, and which certificates your excellency will be pleased to return to your petitioner, for other purposes which may be useful to him, wherefore, your petitioner most respectfully supplicates your excellency to be pleased to grant him two thousand acres of land, in the place called Akiliwaha, situated on the margins of the river St. John, which favor he doubts not to receive from the benevolent and charitable dispositions of your excellency. St. Augustine, of Florida, on the eighth of December, one thousand eight hundred and fifteen.

JUAN PERCHEMAN.

DECREE.—St. Augustine, of Florida, on the twelfth of December, one thousand eight hundred and fifteen. Whereas this officer interested proves by the two certificates annexed, and which will be returned to him for such purposes as may suit him, the services which he has rendered in the defence of this province, and also in consideration of the provisions of the royal order, under date of the twenty-ninth March last, which is referred to, I do grant to him, in absolute property, the two thousand acres of land, in the place which he indicates; for the attainment of which let a certified copy of this petition and decree be issued to him; which documents will at all events serve him as a title in form.

ESTRADA.

I, Don Thomas de Aguilar, under-lieutenant of the army, and secretary for his majesty of the Government of this place, and of the province thereof, do certify that the preceding copy is faithfully drawn from the original, which exists in the secretary's office, under my charge; and in obedience to what is ordered, I give the present in St. Augustine, of Florida, on the twelfth of December, one thousand eight hundred and fifteen.

TOMAS DE AGUILAR.

PETITION FOR SURVEY.

Translation.

His Excellency the Governor:

Don Juan Percheman, ensign of the corps of dragoons, and commandant of the detachment of the same, stationed in this place, with due respect represents to your excellency that this Government having granted your petitioner two thousand acres of land in the place called Acklwaha, on the margin of the river St. John, he may be permitted to have the same surveyed by a competent surveyor, as soon and at any time your petitioner will find it convenient, which favor your petitioner hopes to receive from the high consideration of your excellency. St Augustine, of Florida, on the 31st December, 1815.

JUAN PERCHEMAN.

St. Augustine, 31st December, 1815. The preceding petition is granted.
ESTRADA.

R.

Translation.

I, Don Robert McHardy, an inhabitant of this province, and appointed surveyor by decree of this Government, rendered on the 31st December, 1815, in behalf of the interested party, do certify that I have surveyed for Don Juan Percheman, lieutenant of the Havana dragoons, a tract of land containing two thousand acres, situated on the south side of Oclewaha, and is conform in all its circumstances to the following plat. In testimony whereof, I sign the present in St. Augustine, of Florida, on the 20th of August, 1819.

RT. McHARDY.

[*For original, see plat.*]

T.

Translation.

Be it known by these presents, that I am indebted to Don Francisco de Medicis for the sum of five hundred dollars, being one moiety of one thousand dollars, for which sum, I, and my brother, Don Francisco P. Sanchez, have bought of him, this day, two tracts of land, containing each two thousand acres of land, one of them granted to him by the Government of Spain, as a reward for services, and the other granted by the same Government, as a reward for services to Don Juan Percheman, who instituted him his attorney in fact, as it is more minutely detailed in the deeds which he has executed this day in favor of Don Francisco P. Sanchez aforesaid, which sum of five hundred dollars is to be paid by me for one half of the said purchase, and I obligate myself to pay the said sum of five hundred dollars as soon as the conditions of our contract will be fulfilled; said conditions are as follows: that the payment of the sum aforesaid shall not be required from me until the two grants aforesaid be acknowledged by the Government of the United States, and that after being so acknowledged, it will be the duty of Don Francisco de Medicis aforesaid to put me in possession of them, or the said Don Francisco P. Sanchez, or the persons whom he or I may appoint to this effect; it being understood that the expenses which will be occasioned in procuring the surveyor who surveyed them, or any other person who may know the situation of said tracts, in order to put us in possession thereof, will be solely on my account, and on the account of my said brother, Don Francisco P. Sanchez. St. Augustine, 28th November, 1823.

JOSE M. SANCHEZ.

$500.

The following is a copy of the document offered in evidence by the counsel for the United States, and referred to, as exhibit A, in the answer of the United States' attorney, to wit:

TERRITORY OF FLORIDA, (EAST FLORIDA.)

This indenture, made the twenty-eighth day of November, in the year of our Lord one thousand eight hundred and twenty-three, between Don Juan

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Percheman, of the Island of Cuba, of the one part, and Francis P. Sanchez, of the city of St. Augustine, in the county of St. John's, in East Florida, aforesaid, Esquire, of the other part, witnesseth, that the said Juan Percheman, for and in consideration of the sum of one thousand dollars, good and lawful money of the United States, to him in hand well and truly paid by the said Francis P. Sanchez, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, aliened, remised, released, transferred, and confirmed, and by these presents doth grant, bargain, sell, alien, remise, release, transfer, and confirm, unto the said Francis P. Sanchez, his heirs and assigns, for ever, all that certain tract or parcel of land containing two thousand acres, be the same more or less, which was granted to him, the said Juan Percheman, by a grant or decree, bearing date the twelfth day of December, one thousand eight hundred and fifteen, in absolute property, made by Don Juan de Estrada, then the governor of the then province of East Florida, under and in virtue of a royal order of the King of Spain, bearing date the twenty-ninth day of March, one thousand eight hundred and fifteen, which said tract or parcel of land is situated and lying in East Florida aforesaid, on the south side of the river Ocklawaha, and has the following lines and boundaries, that is to say, the first line begins at a cypress tree, and runs south twenty-five degrees east one hundred and forty-two chains, to a pine tree; the second line runs from the said pine tree south fifty five degrees west one hundred and forty-two chains, to another pine tree; the third line runs from the said last mentioned pine tree north twenty-five degrees west one hundred and forty-two chains to a cypress tree; and the fourth line runs from said cypress tree along the river Ocklawaha, and is bounded by it on the north and northwest, as will more fully and distinctly appear by the original plat of the survey of said land, bearing date the twentieth day of August, one thousand eight hundred and nineteen, hereto annexed, and which is to be taken as a part of this indenture; together with all and singular the houses, edifices, improvements, privileges, hereditaments, rights, members, and appurtenances whatsoever, thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof, and also all the estate, right, title, interest, property, possession, claim, and demand, whatever, both at law and in equity, of him, the said Juan Percheman, of, in, or to the same, and every part and parcel thereof, with the appurtenances: to have and to hold the said tract or parcel of land, and all and singular other the premises hereby granted, bargained, and sold, or so intended to be, with their and every of their rights, members, and appurtenances, unto the said Francis P. Sanchez, his heirs and assigns, for ever, and to his and their only proper use, benefit, and behoof, for ever. In witness whereof, the parties to these presents have hereto set their hands and seals, the day and year first above written.

Juan Percheman.

By his attorney,
FRANCISCO DE MEDICIS. [SEAL.]

Sealed and delivered in the presence of
WILLIAM TRAVERS.
JOHN DRYSDALE.
87—9

[Here follows the plat of the land, and the certificate of survey, as the same is heretofore set forth in this record.]

And afterwards, before the superior court for the eastern district of Florida, holden at the court-house, in the city of St. Augustine, at the term of October, in the year of our Lord one thousand eight hundred and thirty, to which term this cause had come, by regular continuance, to wit, on Monday, the fifth day of said term, and the eighteenth of said month, the following entry of record was made in this case, to wit:

JUAN PERCHEMAN
vs.
THE UNITED STATES OF AMERICA. } *Land claim, 2,000 acres.*

This day came as well the counsel for the said claimant as the attorney of the United States; and the question raised by the attorney of the United States, as to whether this court has jurisdiction of this claim, it being for a less quantity than 3,500 acres, to wit, 2,000 acres, was submitted to court for its decision, on the argument of counsel filed herein.

The said claimant, by his counsel, then offered in evidence a copy from the office of the keeper of public archives of the original grant on which this claim is founded, to the receiving of which in evidence the said attorney for the United States objected, alleging that the original grant *itself*, should be produced, and its *execution* proved, before it could be admitted in evidence, and that the original only could be received in evidence; which objection, after argument from the counsel, was overruled by the court, and the copy from the office of the keeper of the public archives, certified according to law, was ordered to be received in evidence. And the court further ordered, that though by the express statute of this territory, copies are to be received in evidence, yet, in cases where either the claimant or the United States shall suggest that the original in the office of the keeper of the public archives is deemed necessary to be produced in court, on motion therefor, a subpœna will be issued by order of the court to the said keeper, to appear and produce the said original in court for due examination there.

This claim was then submitted to the court for its decree thereon.

The opinion of the honorable Joseph L. Smith, Judge of the superior court for the district of East Florida, upon the claim of Juan Percheman against the United States, delivered on the fourteenth of December, 1830.

Superior court, district East Florida.

JUAN PERCHĒMAN
vs.
THE UNITED STATES. }

This claim is for a grant of two thousand acres of land lying west of the St. John's, and on the south side of the river Ocklewaha, made by Governor Estrada, on the 12th December, 1815, for military services rendered by the claimant in defence of the province in 1812.

The memorial of the claimant, the decree of the grant thereon, and the survey and plat, by order of the Spanish Government, of the tract granted, are duly certified to this court, by attested copies from the originals on file in the office of the public archives. The claim was "presented according to law," before the register and receiver acting as land commissioners, but some of the documents being there overlooked, it was not then confirmed, and it is therefore now presented to this court for adjudication.

The grant appears to be regular; there is no impeachment of the genuineness of any of the documents by which it is proved; the power of the governor to make it, as a *reward*, to Percheman, for military services, is sustained by the laws of the Indies, as given in the Recopilacion, by royal orders, and especially by that of the 29th March, 1815, authorizing grants of land for the military defenders of the province against the invasion and rebellion of 1812.

But it is objected by the counsel for the United States, that this court has not jurisdiction of the claim, and that Percheman has parted with his interest in the lands granted to a sub-grantee.

This court sustains neither of these objections; the second is founded altogether on a suggestion of a *private adverse claim*, but adverse claims under the law giving jurisdiction to this court are not to be decided or investigated, and any allegation setting forth such claim on the part of the defence is insufficient and irrelevant.

The act of the 26th May last, entitled "An act to provide for the *final* settlement of land claims in Florida," after confirming or otherwise disposing of certain claims recommended for confirmation by the land boards of East Florida, declares, in its fourth section, "*that all the remaining claims* which have been presented according to law, and not *finally acted upon*, shall be adjudicated and *finally* settled upon the same conditions, restrictions, and limitations, in every respect, as are prescribed by the act of Congress, approved 23d May, 1828, entitled, &c.," and giving jurisdiction, over land claims to this court.

The meaning of this law, in my judgment, is clear beyond a reasonable doubt; under it all "remaining claims which have been presented according to law," without reference to the number of acres, are to be adjudicated. The "restrictions and limitations" refer to the character, but not to the quantity of the grant. A different construction, that urged by the counsel for the United States, that under this law none but grants above 5,000 acres are to be adjudicated, would render the statute as to the fourth section a mere dead letter; and under it no claim exists, so far as I am advised, which could be presented to this or any other court in Florida for decision.

If Congress had intended that none but claims for more than 5,000 acres should be decided by this court, it cannot be supposed that the statute would have been entitled "An act for the *final* settlement of land claims," or that it would have directed that "*all remaining claims*," an object so desirable, both to the people of Florida, and to the Government of the United States, should be adjudicated under it.

It has also been suggested, by way of further objection, that where claims presented to the board of land commissioners have been rejected, or have not been confirmed by that board, that they are to be considered as having been "*finally acted upon*," and *that* the claim under consideration being of that description, is not embraced by the statute giving jurisdiction to this court. I find nothing warranting this idea, either in the legislation of Congress, or in the character of the proceedings of any board of land commissioners. I do not consider a claim thus rejected, or which the land commissioners have failed to confirm, as "*finally acted upon*," within the meaning of the statute.

It is therefore the opinion of the court, that the claim, as presented, is within its jurisdiction, that the grant is valid, that it ought to be, and, by

virtue of said statute, of the 26th May last, and of the late treaty between the United States and Spain, it is hereby confirmed.

The clerk of the court at St. Augustine will enter up the decree of confirmation herein in due form.

Jacksonville, 14th December, 1830.

DECREE.

December 14, 1830.

JUAN PERCHEMAN
vs.
THE UNITED STATES OF AMERICA. } *Land claim.*

This day came the parties by their counsel, and the court now being sufficiently advised of and concerning the objection of the counsel of the United States, heretofore submitted, as to whether this court has jurisdiction of claims to land, of the extent of the one now presented to the court, overrules said objection; and the court being also sufficiently advised of and concerning the objection of the counsel of the United States, also herein before submitted, as to the admission of certified copies, from the office of the keeper of the public archives in East Florida, in evidence in this court, in support of claims to land, before the same court, overrules said objection, and admits said copies in evidence. And the said court having examined the claim and petition of the said claimant, and exhibits thereto annexed, together with the answer and evidence on the part of the United States, and the arguments of counsel on both sides, and now being sufficiently advised of and concerning the same, doth order, adjudge, and decree, that this claim is valid, and that in law and equity it ought to be confirmed, and under the late "treaty of amity, settlement, and limits, between the United States of America and the King of Spain," ratified by the President of the United States on the 22d February, 1821, and under the act of the first session of the twenty-first Congress of the United States, entitled "An act to provide for the final settlement of land claims in Florida," and by virtue thereof, it is hereby confirmed, adjudged, and decreed, unto the said claimant, as in the grant and the plat of the survey of the same, filed herein, is set forth.

And afterwards, before the superior court for the eastern district of Florida, holden at the court-house, in the city of St. Augustine, at the term of June, in the year of our Lord one thousand eight hundred and thirty-one, to wit, on Saturday, the twelfth day of said term, and the second day of July, the following entry of record was made in this case, to wit:

JUAN PERCHEMAN
vs.
THE UNITED STATES. } *Land claim.*

This day came the parties, by their solicitors, and the solicitor for the said United States prayed an appeal from the decree of this court to the Supreme Court of the United States, which is granted accordingly.

Superior court, eastern district of Florida, to wit:

I, George Gibbs, clerk of said court, for the district aforesaid, do hereby certify that the preceding twenty-eight pages, hereto annexed, contain a

full; true, and complete copy and transcript of the record and proceedings had in the case therein named, and now remaining in my office.

In testimony whereof, I have hereunto set my hand, this twelfth day of August, A. D. 1831.

GEO. GIBBS, *Clk.*

By the honorable Joseph L. Smith, Judge of the superior court for the eastern district of Florida.—To all to whom these presents shall come, be seen, or made known, greeting:

Know ye, that George Gibbs, who hath subscribed the above certificate, is, and was at the time of signing the same, clerk of the said court, for the district aforesaid, that all due faith and credit are and ought to be given to his attestation as such, and that the above attestation is in due form of law.

Given under my hand, and the seal of the said court, at the city of St. Augustine, Territory of Florida, this twelfth day of August, A. D. 1831, and of the independence of the United States the fifty-sixth.

JOSEPH L. SMITH. [L. S.]